

**Zoning Public Hearing  
CITY OF AUSTIN  
RECOMMENDATION FOR COUNCIL ACTION**



**AGENDA ITEM NO.: Z-7  
AGENDA DATE: Thu 02/16/2006  
PAGE: 1 of 1**

**SUBJECT:** C14-05-0202 - Crown Castle - Spicewood Springs - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 4919 Spicewood Springs Road (Bull Creek Watershed) from interim-family residence (I-SF-3) district zoning to general office (GO) district zoning. Zoning and Platting Commission Recommendation: To grant townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning. Applicant: Crown Castle USA, Inc. (Tim Dowdle). Agent: Vincent Gerard & Associates (Kayla Bryson) City Staff: Jorge E. Rousselin, 974-2975.

**REQUESTING** Neighborhood Planning  
**DEPARTMENT:** and Zoning

**DIRECTOR'S**  
**AUTHORIZATION:** Greg Guernsey

**ZONING REVIEW SHEET****CASE:** C14-05-0202**Z.A.P. DATE:** January 17, 2006**ADDRESS:** 4919 Spicewood Springs Road**OWNER:** Crown Castle USA, Inc. (Tim Dowdle) **AGENT:** Vincent Gerard & Associates  
(Kayla Bryson)**REZONING FROM:** I-SF-3 (Interim family residence district)**TO:** GO (General office)**AREA:** 1.91 Acres**SUMMARY ZONING AND PLATTING COMMISSION RECOMMENDATION:***January 17, 2006:****APPROVED SF-6-CO DISTRICT ZONING WITH ONLY PERMITTED NON-RESIDENTIAL USE A COMMUNICATION TOWER; AND PERMITTED SINGLE-FAMILY USES.******[M.H; J.M 2<sup>ND</sup>] (7-0) K.J; J.G – ABSENT*****Prohibited uses:**

- |                                     |  |
|-------------------------------------|--|
| ▪ Bed & breakfast (Group 1)         | ▪ Day care services (commercial)           |
| ▪ Bed & breakfast (Group 2)         | ▪ Day care services (general)              |
| ▪ Condominium residential           | ▪ Day care services (limited)              |
| ▪ Duplex residential                | ▪ Family home                              |
| ▪ Retirement housing (Small site)   | ▪ Group home, Class I (General)            |
| ▪ Retirement housing (Large site)   | ▪ Group home, Class I (Limited)            |
| ▪ Townhouse residential             | ▪ Local utility services                   |
| ▪ Two-family residential            | ▪ Private primary educational facilities   |
| ▪ Special use historic              | ▪ Private secondary educational facilities |
| ▪ Urban farm                        | ▪ Public primary educational facilities    |
| ▪ Club or lodge                     | ▪ Public secondary educational facilities  |
| ▪ College and university facilities | ▪ Safety services                          |
| ▪ Communication service facilities  |  |
| ▪ Community events                  |  |
| ▪ Community recreation (private)    |  |
| ▪ Community recreation (public)     |  |
| ▪ Cultural services                 |  |

**SUMMARY STAFF RECOMMENDATION:**

Staff does not recommend general office (GO) district zoning. Staff's alternate recommendation is limited office (LO).

**ISSUES:**

The subject property was granted a height variance by the Board of Adjustments on April 13, 1992 for the erection of a communication tower with a height of 120 feet under case No. C15-92-014. The variance was granted with an amendment addressing the height:

*"That the applicant submit a signed statement from a professional engineer that a 120' tower is required due to the odd terrain and low visibility of the lot."*

There is an existing 85 foot tall telecommunication tower at the site. The rezoning request will allow the applicant to apply Section 25-2-839(F)(2)(b) and 25-2-839(F)(3) to erect a 100 foot tall telecommunication tower at the site and apply for a conditional use permit to exceed 120 feet in height.

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day.

**DEPARTMENT COMMENTS:**

The subject rezoning area is a 1.91 acre site accessed from Spicewood Springs zoned I-SF-3. The applicant proposes to rezone the property to general office (GO) district and apply the provisions of Section 25-2-839(F)(2)(b) and 25-2-839(F)(3) to erect a 100 foot tall telecommunication tower. Staff does not recommend general office (GO) based on the following considerations:

- 1.) The proposed zoning classification is not compatible with the existing surrounding residential uses;
- 2.) Established office uses along Spicewood Springs Road are more conducive to a compatibility with the established residences; and
- 3.) The applicant may seek an additional variance through the Board of Adjustment to achieve the desired height.
- 4.) The Staff is supportive of LO (Limited office) zoning in this area as it is compatible with existing office development along Spicewood Springs Road.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	I-SF-3	Telecommunications tower
<i>North</i>	SF-2	Undeveloped land
<i>South</i>	I-SF-3	Offices
<i>East</i>	SF-2	Offices
<i>West</i>	SF-2	Undeveloped land

**AREA STUDY:** N/A**TIA:** Waived; See Transportation comments**WATERSHED:** Bull Creek**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** N/A**HILL COUNTRY ROADWAY:** N/A**NEIGHBORHOOD ORGANIZATIONS:**

53--Northwest Austin Civic Association  
 157--Courtyard Homeowner Assn.  
 184--Bull Creek Homeowners Assn.  
 439--Concerned Citizens For P&B of FM 2222  
 475--Bull Creek Foundation  
 511--Austin Neighborhoods Council  
 742--Austin Independent School District  
 965--Old Spicewood Springs Rd. Neighborhood Assn.

**SCHOOLS:**

Austin Independent School District

- Doss Elementary School
- Murchison Middle School
- Anderson High School

**RELATED CASES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14-82-160	"I-A" (1 <sup>st</sup> H&A) to "O" (1 <sup>st</sup> H&A)	01/04/83: PC recommended denial of O (1 <sup>st</sup> H&A) and leave interim "A" Residence (1 <sup>st</sup> H&A). 8-0	12/13/83: Approved withdrawal of site plan. 8-0.
C14R-84-146 / SP-86-019	Site plan approval for LO	09/03/85: PC recommended approval of LO subject to dedication of 60' of ROW from centerline of Spicewood Springs Road. (8-0).	05/26/88: Application withdrawn.

**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14-99-0037	LO-CO to LO-CO	<p>04/27/99: PC recommended approval of LO-CO. (8-0) CO:</p> <ul style="list-style-type: none"> <li>• No structure shall be constructed on the property at a height greater than one story or 28.5 feet measured from ground level at the front of the building facing Spicewood Springs Rd. and 38.5 feet measured from grade level at the back of the building.</li> <li>• 10,500 square feet max floor area</li> <li>• Signage on property shall be restricted to location on a berm and shall be free-standing only, without rotational capabilities. Signage dimensions shall not exceed 3' high by 8' wide. Signage lighting is limited to steady lighting only.</li> <li>• Vehicular access to the property shall be provided by tow driveway approaches from Spicewood Springs Rd.</li> <li>• 2,000 vehicle trip limitation</li> <li>• Prohibited uses: <ul style="list-style-type: none"> <li>▪ Bed and breakfast</li> <li>▪ Communications Services</li> <li>▪ Cultural services</li> <li>▪ Counseling services</li> <li>▪ Special use historic</li> <li>▪ Club or lodge</li> </ul> </li> </ul>	<p>06/03/99: LO-CO. (8-0) CO:</p> <ul style="list-style-type: none"> <li>• No structure shall be constructed on the property at a height greater than one story or 28.5 feet measured from ground level at the front of the building facing Spicewood Springs Rd. and 38.5 feet measured from grade level at the back of the building.</li> <li>• 10,500 square feet max floor area</li> <li>• Signage on property shall be restricted to location on a berm and shall be free-standing only, without rotational capabilities. Signage dimensions shall not exceed 3' high by 8' wide. Signage lighting is limited to steady lighting only.</li> <li>• Vehicular access to the property shall be provided by tow driveway approaches from Spicewood Springs Rd.</li> <li>• 2,000 vehicle trip limitation</li> <li>• Prohibited uses: <ul style="list-style-type: none"> <li>▪ Bed and breakfast</li> <li>▪ Communications Services</li> <li>▪ Cultural services</li> <li>▪ Counseling services</li> <li>▪ Special use historic</li> <li>▪ Club or lodge</li> <li>▪ College or university</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>▪ College or university facilities</li> <li>▪ Communication service facilities</li> <li>▪ Community recreation (private)</li> <li>▪ Community recreation (public)</li> <li>▪ Congregate living</li> <li>▪ Convalescent services</li> <li>▪ Day care services (limited)</li> <li>▪ Day care services (general)</li> <li>▪ Day care services (commercial)</li> <li>▪ Hospital services (limited)</li> <li>▪ Local utility services</li> <li>▪ Private primary educational facilities</li> <li>▪ Private secondary educational facilities</li> <li>▪ Public secondary educational facilities</li> <li>▪ Residential treatment</li> <li>▪ Safety services</li> <li>▪ Telecommunications tower</li> </ul>	<ul style="list-style-type: none"> <li>facilities</li> <li>▪ Communication service facilities</li> <li>▪ Community recreation (private)</li> <li>▪ Community recreation (public)</li> <li>▪ Congregate living</li> <li>▪ Convalescent services</li> <li>▪ Day care services (limited)</li> <li>▪ Day care services (general)</li> <li>▪ Day care services (commercial)</li> <li>▪ Hospital services (limited)</li> <li>▪ Local utility services</li> <li>▪ Private primary educational facilities</li> <li>▪ Private secondary educational facilities</li> <li>▪ Public secondary educational facilities</li> <li>▪ Residential treatment</li> <li>▪ Safety services</li> <li>▪ Telecommunications tower</li> </ul>
C14-02-2049	SF-3 to LO	<p>04/18/00: PC Approved staff recommendation of LO-CO with conditions. (8-0).</p> <p>Conditions:</p> <ul style="list-style-type: none"> <li>• To include listed neighborhood prohibited uses except for family home, group homes &amp; counseling services.</li> </ul>	<p>06/22/00: Approved LO-CO. CO:</p> <ul style="list-style-type: none"> <li>• A structure constructed on the property may not exceed 30' above ground level;</li> </ul> <p>Prohibited uses:</p> <ul style="list-style-type: none"> <li>• Day care services (commercial);</li> <li>• Day care services (limited);</li> <li>• Private primary educational facilities;</li> <li>• Public primary educational facilities;</li> <li>• Bed &amp; breakfast</li> </ul>

			residential; <ul style="list-style-type: none"> <li>• Special use historic;</li> <li>• Day care services (general);</li> <li>• Hospital services (limited);</li> <li>• Private secondary educational facilities;</li> <li>• Public secondary educational facilities;</li> <li>• Art &amp; craft studio (limited)</li> <li>• Club or lodge;</li> <li>• College &amp; university facilities;</li> <li>• Community recreation (public)</li> <li>• Convalescent services;</li> <li>• Medical offices (exceeding 7,000 sq. ft. gross floor area);</li> <li>• Community recreation (private);</li> <li>• Congregate living;</li> <li>• Residential treatment;</li> <li>• Local utility services;</li> <li>• Communication services;</li> </ul>
C14-03-0164	SF-3 to LO	01/06/04: ZAP Approved staff recommendation of LO (9-0).	01/29/04: Approved LO (5-0).

**ABUTTING STREETS:**

NAME	ROW	PAVEMENT	CLASSIFICATION	BICYCLE PLAN	CAPITAL METRO	SIDEWALKS
Spicewood Springs Road	125'	Varies	Arterial	Yes	No	No

**CITY COUNCIL DATE:**

February 16, 2006

March 2, 2006

**ACTION:**

Postponed at request of neighbor

**ORDINANCE READINGS:**

1<sup>st</sup>

2<sup>nd</sup>

3<sup>rd</sup>

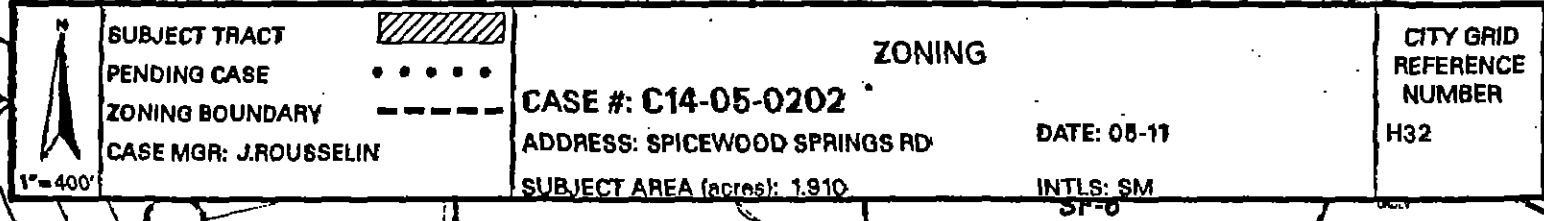
**ORDINANCE NUMBER:**

**CASE MANAGER:** Jorge E. Rousselin, NPZD

**PHONE:** 974-2975

**E-MAIL:** [jorge.rousselin@ci.austin.tx.us](mailto:jorge.rousselin@ci.austin.tx.us)





## **STAFF RECOMMENDATION**

Staff does not recommend general office (GO) district zoning. Staff's alternate recommendation is limited office (LO).

## **BASIS FOR RECOMMENDATION**

***1. Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character.***

The proposed rezoning will have a detrimental land use impact on the adjacent residential properties and the intensity of potential land uses will be incompatible with existing residential uses. LO will be a compatible zoning classification.

***2. Zoning should promote a transition between adjacent and nearby zoning districts, land uses, and development intensities.***

The proposed zoning change does not provide a transition between existing residential uses along Spicewood Springs Road.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The subject rezoning area is a 1.91 acre site accessed from Spicewood Springs zoned I-SF-3. The applicant proposes to rezone the property to general office (GO) district and apply the provisions of Section 25-2-839(F)(2)(b) and 25-2-839(F)(3) to erect a 100 foot tall telecommunication tower.

### **Impervious Cover**

1. Please see Environmental comments.

### **Transportation**

1. No additional right-of-way is needed at this time.
2. The trip generation under the requested zoning is estimated to be 2,671 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).
3. A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

### **Environmental**

1. A portion of the site is located over the North Edward's Aquifer Recharge Zone. The site is in the Bull Creek Watershed of the Colorado River Basin, and is classified as a Water Supply Suburban Watershed by Chapter 25-8 of the City's Land Development Code. Under the current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% NSA with Transfers</i>
One or Two Family Residential	30%	40%
Multifamily Residential	40%	55%
Commercial	40%	55%

2. Development within a Water Quality Transition Zone may not exceed 18% impervious cover.
3. According to flood plain maps, there is flood plain in, or within close proximity of, the project location. Based upon the close proximity of the flood plain, offsite drainage should be calculated to determine whether transition zone exists within the project location. If transition zone is found to exist within the project area, allowable impervious cover within said zone shall be limited to 18%.
4. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
5. At this time, site specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.
6. Under current watershed regulations, development or redevelopment on this site will be subject to providing structural sedimentation and filtration basins with increased capture volume and 2 year detention.
7. At this time, no information has been provided as to whether this property has any preexisting approvals which would preempt current water quality or Code requirements.

### **Water and Wastewater**

1. The landowner intends to serve the site with City of Austin water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility relocation, or utility adjustment are required, the landowner, at own expense, will be responsible for providing. Also, the utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in

accordance with the City design criteria. The utility construction must be inspected by the City. The landowner must pay the associated City fees.

**Site Plan and Compatibility Standards**

1. The site is subject to compatibility standards of LDC 25-2-1051 – 25-2-1052 along the north, south, east, and west property lines.

- (4) the educational facility, if constructed and used in accordance with the waiver or modification, will not have a substantial adverse effect on nearby property or residents or on public infrastructure.

- (C) An interested party may appeal the approval or denial of a waiver or modification under this section to the Land Use Commission. The Land Use Commission's decision may be appealed to the council.

*Source: Section 13-2-619; Ord. 990225-70; Ord. 010329-18; Ord. 010607-8; Ord. 031211-11.*

#### **§ 25-2-835 SCHOOL DISTRICT DEVELOPMENT AGREEMENTS.**

Development of an independent school district educational facility site may be governed by an agreement authorized by Section 212.902 of the Local Government Code. If the City and an independent school district have executed an agreement, the terms of that agreement supersede the requirements of this title and the criteria manuals to the extent of conflict.

*Source: Section 13-2-620; Ord. 990225-70; Ord. 031211-11.*

#### **§ 25-2-836 CLUB OR LODGE IN RESIDENTIAL DISTRICT.**

- (A) A club or lodge use that is located in a residential zoning district must comply with the requirements of this section.
- (B) Vehicular access from a dedicated street with a right-of-way at least 60 feet wide for the length of the adjacent block face is required.
- (C) The club or lodge must be operated as a nonprofit organization.
- (D) Service of food and beverages, including alcoholic beverages, must be limited to

service that is incidental to the primary activity of the facility.

*Source: Section 13-2-266; Ord. 990225-70; Ord. 031211-11.*

#### **§ 25-2-837 COMMUNITY RECREATION.**

- (A) A community recreation use must comply with the requirements of this section.
- (B) Vehicular access from a dedicated street with a right-of-way at least 60 feet wide for the length of the adjacent block face is required.
- (C) A community recreation use must be operated as a nonprofit organization.
- (D) Service of food and beverages must be limited to service that is incidental to the primary activity of the facility. Service of alcoholic beverages is prohibited if the majority of the participants in the primary activity are 18 years of age or younger.
- (E) If a community recreation use is a conditional use, baseball, softball and football fields and other similar outdoor athletic fields must be at least 300 feet from an SF-5 or more restrictive zoning district.

*Source: Section 13-2-267; Ord. 990225-70; Ord. 031211-11.*

#### **§ 25-2-838 EMPLOYEE RECREATION USE.**

An employee recreation use must be located on property reserved by a business for future expansion.

*Source: Section 13-2-232; Ord. 990225-70; Ord. 031211-11.*

#### **§ 25-2-839 TELECOMMUNICATION TOWERS.**

- (A) A tower used by a public agency exclusively for police, fire, emergency medical services, 911 or other public emergency communications is exempt from the requirements of this section and Section

**25-2-840 (Special Requirements For Telecommunication Towers).**

- (B) A telecommunication tower may exceed the height restrictions of the base zoning district and the compatibility standards in Article 10 (*Compatibility Standards*).
- (C) A telecommunication tower must be constructed in accordance with the most recent American National Standard Institute structural standards for steel antenna towers.
- (D) Notwithstanding the requirements of Subsections (E), (F), and (G), a telecommunication tower that complies with the requirements of this subsection is permitted in any zoning district.
  - (1) The tower must be a replacement for a functioning:
    - (a) utility pole or light standard within a utility easement or public right of way;
    - (b) recreation facility light pole; or
    - (c) telecommunication tower.
  - (2) The tower, including antenna array, may not exceed the height of:
    - (a) the original utility pole, light standard, or recreation facility pole by more than 10 feet; or
    - (b) the original telecommunication tower and antenna array.
  - (3) The tower may not obstruct a public sidewalk, public alley, or other public right of way.
  - (4) The tower must be similar in appearance and function to the pole, standard, or tower that it replaces, except for the antennae.
- (E) A telecommunication tower described in Subsection (F) or (G) must comply with the requirements of this subsection.
  - (1) The tower may not be located:
    - (a) on or within 300 feet of property that is zoned as a historic landmark (H) or historic area (HD) combining district or included in a National Register District;
    - (b) within 50 feet of a day care services (commercial) use; or
    - (c) within 50 feet of a dwelling unit.
  - (2) The tower must be of monopole construction and designed to accommodate at least two antenna array.
  - (3) The antenna array may not exceed tower height by more than 10 feet.
  - (4) Guys and guy anchors must be at least 20 feet from adjoining property.
  - (5) The tower must be:
    - (a) enclosed by security fencing; and
    - (b) screened from street view by landscaping at least six feet high.
  - (6) The tower must be identified by a sign visible from outside the screening. The sign must state in letters at least two inches high the name and telephone number of the tower manager and the Federal Communications Commission license number.
- (F) A telecommunication tower that complies with the requirements of this subsection is a permitted use in an SF-6 or less restrictive district, except for an MH district.

- (1) The tower must be at least 200 feet from an MH district or use or an SF-5 or more restrictive district or use.
- (2) The tower, excluding antenna array, may not exceed the following height:
  - (a) 75 feet, for a tower less than 250 feet from an MH district or use or SF-5 or more restrictive district or use;
  - (b) 100 feet, for a tower at least 250, but less than 540, feet from an MH district or use or an SF-5 or more restrictive district or use;
  - (c) 120 feet, for a tower 540 feet or more from an MH district or use or an SF-5 or more restrictive district or use.
- (3) The director may waive a requirement of this subsection for a minimum separation distance between a tower and an MH use or an SF-5 or more restrictive use if the director determines that:
  - (a) the tower will be located in a GO or less restrictive district;
  - (b) not more than two uses that are MH uses or SF-5 or more restrictive uses are less than the prescribed separation distance from the tower base;
  - (c) the MH uses or SF-5 or more restrictive uses that are less than the prescribed separation distance from the tower base, if any, are located in SF-6 or less restrictive zoning districts; and
  - (d) the proposed tower location will not negatively affect a residential neighborhood.
- (G) A telecommunications tower that is not a permitted use under Subsection (F) is a conditional use in an SF-6 or less restrictive district, except for an MH district, if the tower complies with the requirements of this subsection.
  - (1) The tower must be at least 75 feet from an MH district or use or an SF-5 or more restrictive district or use.
  - (2) The tower, excluding antenna array, may not exceed the following height:
    - (a) 75 feet for a tower less than 100 feet from an MH district or use or an SF-5 or more restrictive district or use;
    - (b) 100 feet, for a tower at least 100, but less than 200, feet from an MH district or use or an SF-5 or more restrictive district or use;
    - (c) 120 feet, for a tower at least 200, but less than 300, feet from an MH district or use or an SF-5 or more restrictive district or use;
    - (d) a height set by the Land Use Commission, for a tower 300 feet or more from an MH district or use or SF-5 or more restrictive district or use.
  - (3) The Land Use Commission may waive a requirement of this subsection for a minimum separation distance between a tower and an MH use or an SF-5 or more restrictive use if the Land Use Commission determines that:
    - (a) the tower will be located in a GO or less restrictive district;
    - (b) not more than two uses that are MH uses or SF-5 or more restrictive uses are less than the prescribed separation distance from the tower base;

(c) the MH uses or SF-5 or more restrictive uses that are less than the prescribed separation distance from the tower base, if any, are located in SF-6 or less restrictive zoning districts; and

(d) the proposed tower location will not negatively affect a residential neighborhood.

(H) The distance from a tower to a zoning district or use is measured:

- (1) along a straight line from the center of the tower base to the nearest property line of the zoning district or use; or
- (2) for a distance prescribed by Paragraph (E)(1)(c), along a straight line from the center of the tower base to the nearest exterior wall of the dwelling unit.

(I) In this section, a reference to an MH district or use or SF-5 or more restrictive zoning district or use does not include property that is:

- (1) vacant and unplatted;
- (2) used for a public or private primary or secondary educational facility;
- (3) used for a college or university educational facility;
- (4) owned by the United States, the State of Texas, a county, or the City, and not used for an MH or SF-5 or more restrictive residential use;
- (5) used primarily for religious assembly;
- (6) used for a cemetery;
- (7) used for a non-residential, nonconforming use; or

(8) determined by the director to be used in a manner similar to the uses described in this subsection.

*Source: Sections 13-2-235 and 13-2-273; Ord. 990225-70; Ord. 000302-36; Ord. 010607-8; Ord. 031211-11; Ord. 041202-16.*

#### **§ 25-2-840 SPECIAL REQUIREMENTS FOR TELECOMMUNICATION TOWERS.**

(A) An application to construct a telecommunication tower described in Section 25-2-839 (F) or (G) (*Telecommunication Towers*) must be accompanied by an affidavit that includes:

- (1) a description of the search area for the tower location;
- (2) the elevation required for the antenna array; and
- (3) the reasons that the antenna array cannot be located on an existing tower or other structure.

(B) An applicant who prepares an affidavit required by Subsection (A) shall record the name and address of each person the applicant contacts in attempting to locate the antenna array on an existing tower or other structure. If requested by the city manager, the applicant shall disclose to the city manager the recorded information.

(C) This subsection applies if a telecommunication tower described in Section 25-2-839 (F) or (G) (*Telecommunication Towers*) ceases to be used for wireless communications.

- (1) The tower owner and the property owner shall notify the director that the tower is not being used for wireless communications within 30 days of the cessation of use.
- (2) If the tower is not used for wireless communications for a continuous one



## APPLICATION TO BOARD OF ADJUSTMENT

## GENERAL VARIANCES / PARKING VARIANCES

WARNING: Filing of this appeal stops all affected construction.

PLEASE USE BLACK INK

PART I: APPLICANTS STATEMENT

4919 Spicewood Sp. Rd.

STREET ADDRESS: 1.622 acres along west/southwest line of Spicewood Springs Road, 1/4 mile south of Loop 360.

LEGAL DESCRIPTION: Subdivision - 1.622 acres out of Abstract 521, Survey 17, J. M. Mitchell Survey, City of Austin.

Lot(s) \_\_\_\_\_ Block \_\_\_\_\_ Outlot \_\_\_\_\_ Division \_\_\_\_\_

I/We Shep Poland on behalf of myself/ourselves as authorized agent for GTE Mobilnet of Austin Limited Partnership affirm that on March 10 9 92, hereby apply for a hearing before the Board of Adjustment for consideration to:

ERECT - ATTACH - COMPLETE - REMODEL - MAINTAIN - SUBDIVIDE  
a cellular telephone tower to a height of 120'

in a SF-3 zone,  
(zone district)

NOTE: The Board must determine the existence of, sufficiency of and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional support documents.

VARIANCE FINDINGS: I contend that my entitlement to the requested variance is based on the following findings:

REASONABLE USE:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because:

a minimum of 120' in height is necessary for the operation of the tower

HARDSHIP:

2. (a) The hardship for which the variance is requested is unique to the property in that:

The communications facility planned for the site will not function properly without the antennas placed at the 120' height.

- (b) The hardship is not general to the area in which the property is located because:

AREA CHARACTER:

3. The variance will not alter the character of the area adjacent to the zoning district in which the property is located because:

only +/- 6% of the available land in the 1.622 acre tract will be utilized to construct the facility.

PARKING: (Additional criteria for parking variances only.)

Re: For a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed Section 6340 (a) (b) of Chapter 13-2A with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the specified regulation because:

2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

APPLICANT CERTIFICATE - I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed [Signature] Mail Address P.O. Box 647, WMACTON, TX 77488  
Printed SAEP POLAND Phone 409/282-2088 Date 3/10/92

OWNERS CERTIFICATE - I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

~~THE FROST NATIONAL BANK OF SAN ANTONIO~~ 100 West Houston Street  
Signed [Signature] Mail Address San Antonio, Texas 78205  
Printed Susan Hobbs-Murr  
Real Estate Marketing Officer Phone: 512/220-4311 Date 3/11/92

PART II: BUILDING OFFICIALS STATEMENT

Applicant is requesting a variance to:

erect a communication tower providing a  
height of 120 feet

Section 630 of Chapter 13-2 provides, requires, or allows:

permits a maximum height of 35 feet

DATE

3/13/92

BUILDING OFFICIAL

[Signature]

CITY OF AUSTIN  
BOARD OF ADJUSTMENT/SIGN REVIEW BOARD  
DECISION SHEET

DATE April 13, 1992

CASE NUMBER C15-92-014

APPLICANT Shep Poland for GTE Mobilnet of Austin Limited Partnership

ADDRESS 4919 Spicewood Springs Road

VARIANCE REQUESTED to erect a communication tower providing a height of 120 feet in an "SF-3" Single Family Residence District.

BUILDING OFFICIAL'S DECISION Section 13-2-630 permits a maximum height of 35 feet.

BOARD'S DECISION granted (5-0) with an amendment that the applicant submit a signed statement from a professional engineer that a 120' tower is required. Due to the odd terrain and low buildability of the lot.

  
Mike Heitz, Executive Secretary

  
~~XXXXXXXXXXXX~~ Chairperson  
Floyd Clark

C15-92-014

January 9, 2006

To: COA Zoning and Platting Commission  
c/o Jorge E. Rousselin, Senior Planner

Re: C14-05-0202 - 4919 Spicewood Springs Road , Rezoning from SF3 to GO

Dear Commissioners,

My name is Laszlo Herczeg, and I live at 5003 Spicewood Springs Road, 78759.

I am record owner, together with my wife Evelyn, of property which immediately adjoins the subject property for this rezoning case. Our property is identified by Travis County Appraisal District by TCAD ID: 0147050104. We share a boundary line with subject property that is over 600 feet long.

Please consider this as our formal petition against the above referenced rezoning case from SF3 to GO, and against any zoning class or variance which would increase the current height restrictions placed on subject property.

First , as owners of adjoining property with SF3 zoning (which limits building height to 35feet), we are opposed *to any changes to the height limitations of the subject property*. COA zoning rules allow for such height restrictions to be placed on the subject property, based on adjoining properties' *lower* height restrictions.

Second, we are opposed to the proposed "GO" zoning because it is incompatible with the prevailing SF3 and SF2 (residential) zoning in this area, as well as the "scenic corridor" designation of this area. Council members in 2002 designated this area as a "scenic corridor " for a reason.

Third, there are environmental and safety issues with this rezoning case. Plat of subject "Spicewood Cell Site" indicates the prevalence of critical environmental features (CEFs), and indeed, approximately 80% of the site area of subject is

restricted under a "CEF – critical environmental feature – easement". The GO zoning – i.e. light industrial, general office use – is simply not compatible with the prevalence of CEFs on subject property.

There are several commercial tower sites nearby – one within 0.8 miles of subject off Hwy 360, and another within 2-3 miles of subject property, where tall towers are allowed and sufficiently offset from residential areas. Therefore, there appears to be no public benefit that can be gained by permitting the proposed 120 foot tall tower in this location, while there are significant risks to the public – for example, the safety of nearby residents, traffic safety issues (i.e. rubbernecking) , aviation safety issues, and environmental concerns – that would make this an extremely risky proposition.

For all of these reasons, this is a "no-GO" for us!

We feel that city planning has moved in recent years in the direction of protecting this unique, environmentally sensitive corridor – which is also a drinking water protection zone. By granting a much more permissive "GO" zoning to subject property, this direction would be reversed and would certainly encourage other commercial uses that clearly do not belong in this area.

I trust that you will agree,

Sincerely,

A handwritten signature in black ink, appearing to read 'Laszlo Herczeg', with a stylized, flowing script.

Laszlo Herczeg



VINCENT GERARD AND ASSOCIATES, INC.

January 27, 2006

**RECEIVED**

JAN 30 2006

Mr. Jorge Rousselin  
City of Austin Neighborhood Planning and Zoning  
505 Barton Springs Road  
Austin, TX 78701

Neighborhood Planning & Zoning

**RE: C14-05-0202—Crown Castle Spicewood Springs Rezone Request**

Mr. Rousselin:

On behalf of Crown Castle International, owner of the Spicewood Springs telecommunication tower site located at 4119 Spicewood Springs Road, we are not opposed to the Zoning and Platting recommendation of SF-6-CO zoning for this tract of land. The recommended conditions adhere to our original rezone request. We would like to proceed with the given Zoning and Platting recommendation of SF-6-CO.

Sincerely,

Kayla Bryson  
Vincent Gerard and Associates, Inc.

LAND PLANNING & ZONING CONSULTANTS

1715 CAPITAL OF TEXAS HWY SOUTH SUITE 207 AUSTIN, TEXAS 78746 (512) 328-2693 FAX (512) 328-4011

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING FOR THE PROPERTY LOCATED AT 4919 SPICEWOOD SPRINGS ROAD AND CHANGING THE ZONING MAP FROM INTERIM FAMILY RESIDENCE (I-SF-3) DISTRICT TO TOWNHOUSE AND CONDOMINIUM RESIDENCE-CONDITIONAL OVERLAY (SF-6-CO) COMBINING DISTRICT.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from interim family residence (I-SF-3) district to townhouse and condominium residence-conditional overlay (SF-6-CO) combining district on the property described in Zoning Case No. C14-05-0202 on file at the Neighborhood Planning and Zoning Department, as follows:

Lot 1, Block 1, Spicewood Cell Site Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 91, Page 17, of the Plat Records of Travis County, Texas (the "Property"),

locally known as 4919 Spicewood Springs Road, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "A".

**PART 2.** The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

The following uses are prohibited uses of the Property:

Bed and breakfast residential (Group 1)  
Condominium residential  
Retirement housing (small site)  
Townhouse residential  
Special use historic  
Club or lodge  
Communication services facilities  
Community recreation (private)  
Cultural services  
Day care services (general)  
Local utility services

Bed and breakfast residential (Group 2)  
Duplex residential  
Retirement housing (large site)  
Two-family residential  
Urban farm  
College and university facilities  
Community events  
Community recreation (public)  
Day care services (commercial)  
Day care services (limited)  
Private primary educational facilities



1 Private secondary educational facilities  
2 Public secondary educational facilities

Public primary educational facilities  
Safety services

3  
4 Except as specifically restricted under this ordinance, the Property may be developed and  
5 used in accordance with the regulations established for the townhouse and condominium  
6 residence (SF-6) base district and other applicable requirements of the City Code.

7  
8 **PART 3.** This ordinance takes effect on \_\_\_\_\_, 2006.

9  
10  
11 **PASSED AND APPROVED**

12  
13 \_\_\_\_\_, 2006

§  
§  
§

Will Wynn  
Mayor

14  
15  
16  
17  
18  
19  
20 **APPROVED:** \_\_\_\_\_

David Allan Smith  
City Attorney

**ATTEST:** \_\_\_\_\_

Shirley A. Gentry  
City Clerk

